

**SPECIAL CITY COUNCIL MEETING****Tuesday, May 26, 2022 – 3:30 p.m.****REMOTE MEETING****-Minutes-**

**Present: Council President, Councilor Val Gilman; Council Vice President, Councilor Sean Nolan; Councilor Tony Gross; Councilor Scott Memhard; Councilor Tracy O’Neil; Councilor Jamie O’Hara; Councilor Jeff Worthley**

**Absent: Councilor Jason Grow; Councilor Frank Margiotta**

**Also Present: City Clerk, Joanne Senos**

*This meeting was conducted remotely through Zoom*

*All votes were ROLL CALL votes*

**Meeting called to order at 3:31 p.m.**

**Councilor Gilman** announced: “In the interest of government transparency with regards to deliberations and decisions made by the City Council and according to open meeting law, since this meeting was posted as a Zoom meeting, this meeting is recorded by video and audio and will be conducted by remote participation. Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote. If you are calling in on a phone, you can press Star 9 (\*9) to request to speak. If you are watching on a computer or device, there is a “raised hand” button that you can tap or press to request to speak. Please use either of these options during oral communications to be recognized to speak.”

**Councilor Gilman** introduced the **Members of the City Council** and City staff present.

***1. City Council to weigh in on the Massachusetts Municipal Association’s recommendations on proposed Senate Bills for the FY23 State Budget***

**Summary of Discussion:** **Councilor Gilman** stated that she is asking the City Council to consider weighing in on the MMA recommendations on the proposed Senate bill amendments for the FY23 State Budget, as well as key appropriations. She conveyed that Senator Tarr had reached out to her late morning and explained that their votes would most likely occur before the end of the day today; however, then these go to the House and Senate, then to a Conference Committee to be reconciled and irreconciled. She then stated that she and Senator Tarr felt that it would still be beneficial for the Council to go through the proposed amendments and then inform Senator Tarr which amendments the City Council supported.

She stated that there are late submittals including proposed bills from the Division of Local Services and an independent bill submitted this morning by Val Nelson on coastal resilience, and explained that both Senator Tarr and Mayor Verga are supporting this bill. **Councilor Gilman** stated that since the late submissions are not on the agenda then individual councilors could still personally support each bill by sending an email and reminded the councilors to state that they are an individual member of the City Council in support of a particular bill.

**Councilor Gilman** asked the **City Clerk, Joanne Senos**, to share her screen to display a letter received from MMA (Massachusetts Municipal Association).



**PLEASE SUPPORT AND BUILD ON THE IMPRESSIVE INVESTMENTS IN S. 4**

May 18, 2022

Dear Senator,

We are writing to express our deep appreciation for the many provisions in the Senate Ways & Means Committee budget proposal (S. 4) that benefit and support cities and towns across the Commonwealth, and we welcome the opportunity to offer comments and insights on proposed amendments that will be before you next week, during your deliberations on the fiscal 2023 state budget.

We thank President Spilka, Chair Rodrigues, and the members of the Senate Ways & Means Committee for their commitment to cities and towns by increasing local aid in several key accounts, including doubling the increase in Unrestricted General Government Aid, doubling Chapter 70 minimum aid, increasing the charter school mitigation payments, and significantly investing in Payments-in-Lieu-of-Taxes for state-owned land. These are extremely important investments, and demonstrate leadership and a powerful commitment to all municipalities.

For several months, the MMA and local officials have advocated for an increase in Unrestricted General Government Aid to better reflect the state's increase in tax collections and allow communities to address their tight budget challenges. The Senate Ways & Means Committee has acted on this concern, and is proposing a \$63 million increase (5.4%), doubling the \$31.5 million (2.7%) increase originally included in the Governor's budget. The MMA applauds this vital increase in unrestricted municipal aid.

In addition to the significant increase in Unrestricted General Government Aid, S. 4 includes an increase in Chapter 70 public education aid for minimum-aid districts, doubling the amount per pupil from \$30 to \$60. The Senate Ways & Means proposal also increases the Payments-in-Lieu-of-Taxes account by \$10 million, an increase of 29%, giving municipalities with large amounts of state-owned land a much-needed boost.

In this letter, we are asking you to consider a number of amendments that would build on the outstanding Senate Ways & Means proposal, as well as some non-appropriation provisions that would maintain local government operations.

**Please Support These Key Appropriations and Municipal Operations Amendments:**

**Amendment #647 (Regional School Transportation 100% Reimbursement)** – Please support an increase to the Regional School Transportation account (7035-0006), which is critical

to rural and smaller communities. Amendment #647, filed by Senator Gobi, would fund 100% of the Department of Elementary and Secondary Education's fiscal 2023 projected claims at \$97 million.

**Amendment #1114 (Remote Meeting Extensions)** – Please support Amendment #1114, filed by Senator Brownsberger, to extend provisions allowing for remote participation in open public meetings, as well as remote notarization, and remote town meetings, among others, from July 15, 2022, to December 15, 2023. Massachusetts is in the middle of another rise in COVID transmissions, and extending the option for remote meetings will provide resiliency for government operations during a time of ongoing uncertainty and public health concern. This is a highly time-sensitive measure, and it makes perfect sense to include it in legislation that will get to the Governor's Desk before the current extension expires on July 15.

**Amendment #743 (Rural School Aid) and #704 (Regionalization Grant Program)** – Please support Amendment #743 filed by Senator Hinds to fund the Rural School Aid account (7010-0005) at \$20 million, providing rural school assistance grants, with priority given to proposals that support schools and districts that have experienced significant enrollment losses, and Amendment #704, filed by Senator Gobi, which provides \$500,000 for school district regionalization grants to regional school districts, or school districts considering forming a regional school district or regionalizing services.

**Amendment #127 (Early Voting Reimbursement)** – Please support an appropriation to reimburse municipalities for the costs of implementing early voting for state elections. Amendment #127, filed by Senator Finegold, includes a \$6 million appropriation to fund this state mandate.

**Amendments #630 and #631 (Chapter 70 Minimum Aid)** – We deeply appreciate the Senate Ways & Means proposal to double per-pupil minimum aid to \$80 per student, and recognize that this is great progress for the 135 districts that are minimum-aid-only. As you know, the MMA has consistently advocated for \$100 per-pupil minimum aid, and thus we certainly support consideration of Amendments #630 and #631, filed by Senator Tarr, which would increase Chapter 70 minimum aid to \$75 per pupil and \$100 per pupil, respectively.

**Amendment #663 (MSBA Commission)** – Please support Amendment #663, filed by Senator Finegold, which would create a special commission to study the Massachusetts School Building Authority. The commission would review and make recommendations concerning reimbursement rates for construction, as well as other areas of concern, in order to maximize this important resource for cities and towns.

**Amendment #332 (Local Opt-In for Permanent Outdoor Dining)** – Please support this amendment to give municipalities the option to permanently extend outdoor dining options. Filed by Senator Tarr, Amendment #332 would allow restaurants to apply for local approval to expand outdoor table service.

**Amendment #803 (Cybersecurity Commission)** – Please support Amendment #803, filed by Senator Moore, establishing a cybersecurity review commission. Municipalities remain vulnerable to cyberattacks and are seeking the guidance and best practices advice that would result from this commission. Including a municipal representative would add a local perspective to the state's interagency deliberations.

**Amendment #834 (Community Preservation Act Surplus Funding)** – Please support Amendment #834, filed by Senator Comerford, which directs the Comptroller to transfer \$20 million to the Massachusetts Community Preservation Trust Fund, prior to sending the net surplus for fiscal 2022 to the Commonwealth's stabilization fund. The number of CPA communities has reached 187, and this amendment would increase the state's match from approximately 35% to 43%, about the same state match percentage as last year.

**Amendment #856 (Flexibility in Municipal Broadband Spending)** – Please support Amendment #856, filed by Senator Hinds, which would allow funds appropriated for closing the digital divide to be granted to municipalities seeking relief from debt incurred for the construction of broadband networks. These communities were forced to step in when the private carriers ignored their regions and left their households and businesses behind in the broadband buildout, adding costly burdens on local taxpayers.

**Amendments #942 and #951 (Shannon Grants)** – Please support Amendment #942 and Amendment #951, filed by Senator DiDomenico and Senator Edwards, respectively, to increase funding for the Shannon Grant program (8100-0111). This anti-gang grant program helps cities and towns respond to and suppress gang-related activities.

**Finally, the MMA has strong concerns regarding Amendment #810**, relative to retiree cost-of-living-adjustments, or COLAs. The amendment would authorize local and regional pension boards to award a COLA adjustment of up to 5.9% to retirees in fiscal 2023, above the current 3% cap. This would very likely increase the local unfunded pension liability, and drive up costs for taxpayers. Most communities in the state participate in regional pension systems, and do not have direct decision-making authority regarding adoption of a higher COLA, and we are aware of no system that has incorporated higher COLAs into their unfunded pension liability calculations. Adoption of a higher COLA, even if limited to one year, would permanently increase the pension obligations for all participating communities, requiring increased annual appropriations to fund the cost. We recommend that you reach out to your chief municipal officials to determine what the financial impact would be in the cities and towns in your district; it is likely to be significant.

**SUMMARY**

Again, we would like to express our deep gratitude to President Spilka, Chair Rodrigues, and the members of the Senate Ways & Means Committee for presenting a fiscal blueprint that makes vital and timely investments in cities and towns across the state, particularly in the area of Unrestricted General Government Aid, Chapter 70 minimum aid, and PILOT. This is a critical

time for Massachusetts, and local government leaders deeply appreciate your strong partnership with all 351 cities and towns.

If you have any questions, please do not hesitate to have your office contact me, MMA Legislative Director Dave Koffman at [dkoffman@mma.org](mailto:dkoffman@mma.org), or MMA Senior Legislative Analyst Jackie Lavender Bird at [jlavenderbird@mma.org](mailto:jlavenderbird@mma.org) at any time.

Thank you very much for your support, dedication and commitment to the cities and towns of Massachusetts.

Sincerely,

Geoffrey C. Beckwith  
Executive Director & CEO

The MMA is asking for support of the following amendments:

**Amendment #647 – Regional School Transportation 100% Reimbursement:**

**Councilor Gross** read Amendment #647. He stated that this amendment would affect the City in the overall assessment from the regional school as the City would be reimbursed for transportation.

**Amendment #1114 – Remote Meeting Extensions:**

**Councilor Gilman** read the proposed amendment. She stated that this amendment is important in that it extends the provisions allowing for remote participation from July 15, 2022, to December 15, 2023. The **City Clerk** explained that remote notarization only applied to attorneys and law offices. **Councilor Memhard** stated that the longer timeframe is helpful in terms of planning and anticipating costs related to hybrid or other alternatives. **Councilor Worthley** added that this amendment would not prohibit in-person meetings but that it would give the Council additional time to figure out a solution to hybrid meetings.

**Amendment #743 – Rural School Aid and #704 – Regionalization Grant Program:**

**Councilor Gross** read proposed amendments #743 and #704. He stated that amendment #704 could be important to the City regarding school regionalization with Rockport. He stated funds were previously made available for a study to be done about shared programs with Rockport, but he believes that the discussion had stalled. **Councilor O’Neil** asked for clarification regarding what comprised a regional district. **Councilor Gross** explained that Hamilton-Wenham and Manchester-Essex are two examples of regional school districts.

**Amendment #127 – Early Voting Reimbursement:**

**Councilor Gilman** read the proposed amendment. The **City Clerk** explained that when early voting was first implemented there was not any reimbursement so the City had to cover the cost of overtime for staff, cost for mailing the ballots and any other associated costs. She explained that eventually the State did reimburse a percentage of the mailing costs for early voting in-person and then the City was reimbursed for staff overtime; she explained that the City Clerk and Assistant City Clerk do not get reimbursed for their time worked during early voting. Any other associated costs including drop boxes or poll workers would only be reimbursed for a percentage of the hours for early voting, she stated, including 7 a.m. to 9 a.m. and from 6 p.m. to 8 p.m., and that the City covers the rest of the costs. The **City Clerk** asked the Council to fully endorse this proposed amendment.

**Amendment #630 and #631 – Chapter 70 Minimum Aid:**

**Councilor Gross** read the proposed amendment. He explained that the minimum aid for Chapter 70 would be increased. He stated that he was unsure if the City was part of the 135 minimum-aid districts so was unsure if this amendment would impact the City.

**Amendment #663 – MSBA Commission:**

**Councilor Gilman** read the proposed amendment. She stated that this would be a good fiduciary evaluation.

**Councilor O’Hara joined the meeting at 3:54 p.m.**

**Amendment #332 – Local Opt-In for Permanent Outdoor Dining:**

**Councilor Gilman** read the proposed amendment. She stated that she spoke with the **Interim Community Development Director** regarding this matter and stated that this amendment does not affect the current Council Order on the table, but this is just giving more flexibility for municipalities who might want to continue to advocate for outdoor dining.

**Amendment #803 – Cybersecurity Commission:**

**Councilor Gilman** read the proposed amendment. (There was no additional discussion on this matter).

**Amendment #834 – Community Preservation Act Surplus Funding:**

**Councilor Gilman** read the proposed amendment. **Councilor Memhard** stated that as additional communities take advantage of the Community Preservation Act locally, and stated that the City was at a 1% assessment and

Rockport is at a 3% assessment, the formula for reimbursement has gotten tighter from when the program was launched due to the number of municipalities that are now participating. He stated that this additional funding would be a helpful step.

**Amendment #856 – Flexibility in Municipal Broadband Spending:**

**Councilor Gilman** read the proposed amendment. **Councilors Gross** and **Gilman** stated that they believed the City was covered by Comcast.

**Amendment #942 and #951 - Shannon Grants:**

**Councilor Gilman** read the proposed amendment. (There was no additional discussion on this matter.)

The MMA has strong concerns regarding the following amendment:

**Amendment #810 – Cost-Of-Living-Adjustments (COLAs):**

**Councilor Gilman** read the proposed amendment and explained that MMA's recommendation is to not support this amendment. **Councilor Gross** explained that this would provide for a greater COLA for retirees; he added that this amendment does not affect retired teachers as they have their own plan. **Councilor Gross** stated that he found it interesting that this amendment does not have a sponsor and also stated that he felt that unions would be supporting this amendment. **Councilor Worthley** stated that he would not support this amendment.

**Councilor Gross** offered a motion, seconded by **Councilor Memhard**, to support the MMA's letter of recommendations of May 18<sup>th</sup>, 2022, regarding the proposed amendments, as well as strongly opposing any increase to the amendment regarding COLA adjustments.

Separate from this motion, **Councilor Gilman** explained that Councilors can individually decide to support the document received from constituent, Val Nelson, regarding an independent Bill about coastal resiliency.

**MOTION: On a motion by Councilor Gross, seconded by Councilor Memhard, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Grow, Margiotta) absent, to support the Massachusetts Municipal Association's letter of May 18, 2022, regarding the amendments enclosed therein and on amendment #810 the City Council strongly opposes any increase in the COLA adjustments.**

**Councilor Gilman** reiterated that Senator Tarr stated that the votes regarding these amendments would take place by this evening. She stated that she would verbally inform Senator Tarr that the City Council supports the recommendations of the MMA including opposing any increase in the COLA adjustments.

**Councilor Gilman** referenced Massachusetts Senate Amendment #54, which is a late submission proposed by Senator Tarr; \$200,000 for confronting the challenges of climate change project in Manchester-by-the-Sea, City of Gloucester and the towns of Essex and Rockport. **Councilor Worthley** stated that it is bill #54 entitled, "Confronting the Challenges of Climate Change," for any councilor that wishes to make a personal recommendation in support of this amendment. **Councilor Gross** added that constituent Val Nelson also included a letter of support from Mayor Verga in her email to the Council.

**MOTION: On a motion by Councilor Gross, seconded by Councilor Worthley, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (Grow, Margiotta) to adjourn the meeting at 4:21 p.m.**

**Submitted by: Sherry Karvelas, Clerk of Committees**

**Items submitted at the meeting:** None.